

In re REISSUE PATENT APPLICATION of

ANDERSON, et al.

Group Art Unit: 3643

Appln. No.: unknown

Examiner: Kurt Rowan

Filed: HERewith

As Reissue of U.S. 5,913,670

For: BREAKAWAY LINKS FOR
UNDERWATER GEAR

Hon. Commissioner of Patents

And Trademarks

Washington D.C. 20231

Date JUNE 21, 2001
Label No. EL 748963696 US
I hereby certify that, on the date indicated above, I deposited this
paper or fee with the U.S. Postal Service and that it was addressed
for delivery to the Assistant Commissioner for Patents, Washington,
DC 20231 by "Express Mail Post Office to Addressee" service.
C. Karyl S. Hollens
Name of Person signing Certificate
Cheryl S. Hollens
Signature

SUPPORTING STATEMENT AND
PRELIMINARY AMENDMENT

Sir:

In the matter of the above-referenced Reissue patent application filed
herewith for a reissue of U.S. patent number 5,913,670 granted June 22,
1999 on Applicant's application filed December 19, 1996 as serial number
08/770,592, the undersigned respectfully submits the following amendment.
It is the intent of the Applicants to include the original claim 1 of their
granted U.S. Patent number 5,913,670 in this Reissue application and to add

by amendment the following new claims 2-25 which are also presented herewith on a separate page in underlined form.

Please find filed with this Supporting Statement And Preliminary Amendment, a Declaration from the Inventors/Applicants and a copy of the issued U.S. Patent 5,913,670 in double column format pursuant to 37 CFR 1.173(a)(1), and also a copy for convenience in single column format.

Applicants request the Commissioner to please add by amendment the following new claims 2-25 (See attached sheet):

2. A system for the release of at least one cetacean from entanglement in underwater gear comprising:

(a) at least one floating buoy;

(b) underwater gear; and

(c) at least one breakaway link,

whereby the breakaway link is connected to both the floating buoy and the underwater gear, and

whereby the link will exhibit material failure when subjected to a load greater than 50 pounds but less than 11,300 pounds.

3. A method to reduce the injury to whales or other cetaceans entangled in underwater gear, said method comprising incorporating into said gear at least one breakaway link that will exhibit material failure when subjected to a load greater than 50 pounds but less than 11,300 pounds.
4. The method of claim 3 wherein at least one breakaway link will exhibit material failure when subjected to a load of less than 2500 pounds.
5. The method of claim 3 wherein at least one breakaway link will exhibit material failure when subjected to a load 100 pounds to 2500 pounds.
6. The method of claim 3 wherein at least one breakaway link will exhibit material failure when subjected to a load 150 pounds to 2,000 pounds.
7. A method to reduce the possibility of injury to whales or other cetaceans, comprising in any order
 - (a) attaching at least one breakaway link and at least one floating buoy to underwater gear;

(b) putting said underwater gear into water where whales or other cetaceans can exist,

wherein the at least one breakaway link exhibits material failure when subjected to a load greater than 50 pounds but less than 11,300 pounds.

8. A breakaway link for underwater gear, said link comprising a body having two attachment openings, and wherein said body is thinner, narrower, or both, at a location between said attachment openings.

9. The breakaway link of claim 8 wherein said body is an elongated body.

10. A breakaway link comprising a loop, whereby said loop will exhibit material failure when subjected to a load of from 50 pounds to 11,300 pounds.

11. The breakaway link of claim 10, wherein the loop comprises a natural or synthetic material in the form of a rope or cable.

12. The breakaway link of claim 10, wherein the loop has a first end and a second end which ends are each equipped with a means for fastening said first end to said second end to thereby close the loop.

13. The breakaway link of claim 12, wherein the means for fastening is a hook and eye connection.

14. The breakaway link of claim 12, wherein the means for fastening comprises two hooks able to interconnect to each other.

15. The breakaway link of claim 12, wherein the means for fastening said first end to said second end comprises crimping with sleeves.

16. The breakaway link of claim 12, wherein the means for fastening said first end to said second end comprises crimping with staples.

17. The breakaway link of claim 12, wherein the means for fastening said first end to said second end comprises tight wrapping with wire.

18. The breakaway link of claim 12, wherein the means for fastening said first end to said second end comprises hot melting of the loop material.
19. A breakaway link comprising a section of rope that has been partially cut to exhibit a material failure upon administration to said rope of a load greater than 50 pounds but less than 11,300 pounds.
20. A breakaway link comprising a section of rope that has been narrowed in cross sectional area to exhibit a material failure upon administration to said rope of a load greater than 50 pounds but less than 11,300 pounds.
21. A breakaway link comprising a ball and socket means, whereby either the ball or the socket or both can be deformed upon administration to said link of a load greater than 50 pounds but less than 11,300 pounds, such that the ball is freed from the socket.
22. The breakaway link of claim 21, wherein the ball or socket is formed from plastic or rubber.

23. The breakaway link of claim 21, wherein the socket is equipped with a rubber or elastic collar which can be deformed upon administration to said link of a load greater than 50 pounds but less than 11,300 pounds, whereby the ball is freed from the socket.

24. A breakaway link for underwater gear comprising a body which is planar, tubular elongated or cuboidal, and wherein said body has at least one location wherein the cross sectional area is reduced.

25. A device useful for incorporation into fishing buoy lines or fishing gear, said device comprising a body having fastening means for connecting said device to said fishing buoy line or fishing gear, and wherein said body has a portion for breaking upon the administration of sufficient load.

REMARKS

Applicants/Inventors respectfully submit this broadening reissue patent application after first recognizing that U.S. Patent Number 5,913,670 contains errors that occurred without deceptive intent. The errors were discovered after the Inventors reviewed for the first time the issued claim in U.S. Patent Number 5,913,670 and they recognized that the system, method,

devices and embodiments were not properly claimed to the scope they were entitled. Therefore, within the two-year period following date of the issuance of U.S. Patent 5,913,670, the Inventors have filed this broadening reissue application seeking to correct the errors.

The specification remains as originally filed in U.S. Patent number 5,913,670 and is incorporated into this reissue application. It is believed that no additional typed copy is required.

Claim 1 of U.S. Patent 5,913,670 is hereby maintained in this reissue application.

New Claim 2 is directed to a system for the release of at least one cetacean from entanglement in underwater gear. Claim 2 relates to the teaching in U.S. Patent 5,913,670 at least at the Abstract; column 1, lines 41-47; column 1, lines 61-67; column 2, lines 29-55; FIG. 2 and its description at column 4, lines 51-65; column 6, lines 17-21; and column 6, lines 32-41. It is therefore not new matter and could have been claimed in U.S. Patent 5,913,670.

New independent claim 3 is directed to a method to reduce the injury to whales or other cetaceans entangled in underwater gear. Claim 3 relates to the teaching in U.S. Patent No. 5,913,670 at least the Abstract; column 2,

lines 56-67; and column 6, lines 17-21. It is therefore not new matter and could have been claimed in U.S. Patent 5,913,670.

New dependent claims 4 through 6 depend from claim 3 and are directed to narrowing embodiments of the method to reduce the injury to whales or other cetaceans entangled in underwater gear. These embodiments are taught in U.S. Patent No. 5,913,670 at column 6, lines 7-41. Claims 4 through 6 are therefore not new matter and could have been claimed in U.S. Patent 5,913,670.

New independent claim 7 is directed to a method to reduce the possibility of injury to whales or other cetaceans. It relates to the teaching in U.S. Patent No. 5,913,670 at column 2, lines 33-41. It is therefore not new matter and could have been claimed in U.S. Patent 5,913,670.

New independent claim 8 is directed to a breakaway link for underwater gear. It relates to the teaching in U.S. Patent No. 5,913,670 at FIGs 1, 4 and 5; column 3, lines 9-13; column 3, lines 52-67; column 4, lines 37-50; column 5, lines 8-25; column 6, lines 42-67; and column 7; lines 1-30. It is therefore not new matter and could have been claimed in U.S. Patent 5,913,670.

New dependent claim 9 depends from new independent claim 8 and is supported in the teaching of U.S. Patent No. 5,913,670 at FIG 1, FIG 4 and

FIG 5; column 3, lines 63-67; column 4, lines 44-46. It is therefore not new matter and could have been claimed in U.S. Patent 5,913,670.

New independent claim 10 is directed to a breakaway link of a specific embodiment and is supported in the teaching of U.S. Patent No. 5,913,670 at FIG 3; column 4, lines 1-18; column 3, lines 66-67; and column 4, lines 1-7. It is therefore not new matter and could have been claimed in U.S. Patent 5,913,670.

New dependent claims 11 and 12 depend from new independent claim 10 and are supported in U.S. Patent No. 5,913,670 at column 4, lines 1-22. Claims 11 and 12 are therefore not new matter and could have been claimed in U.S. Patent 5,913,670.

New dependent claims 13 through 18 depend from new dependent claim 11 and are supported in U.S. Patent No. 5,913,670 at column 4, lines 8-18. Claims 13 through 18 are therefore not new matter and could have been claimed in U.S. Patent 5,913,670.

New independent claim 19 is directed to a breakaway link of a specific embodiment and is supported in the teaching of U.S. Patent No. 5,913,670 at FIG 6; column 4, lines 19-22; and column 6, lines 17-21. It is therefore not new matter and could have been claimed in U.S. Patent 5,913,670.

New independent claim 20 is directed to a breakaway link of a specific embodiment and is supported in the teaching of U.S. Patent No. 5,913,670 at FIG 6; column 4, lines 19-22; and column 6, lines 17-21. It is therefore not new matter and could have been claimed in U.S. Patent 5,913,670.

New independent claim 21 is directed to a breakaway link of a specific embodiment and is supported in the teaching of U.S. Patent No. 5,913,670 at column 4, lines 23-36. It is therefore not new matter and could have been claimed in U.S. Patent 5,913,670.

New dependent claims 22 and 23 depend from new dependent claim 21 and are supported in U.S. Patent No. 5,913,670 at column 4, lines 30-36. Claims 22 and 23 are therefore not new matter and could have been claimed in U.S. Patent 5,913,670.

New independent claim 24 is directed to a breakaway link of a specific embodiment and is supported in the teaching of U.S. Patent No. 5,913,670 at column 4, lines 44-47. It is therefore not new matter and could have been claimed in U.S. Patent 5,913,670.

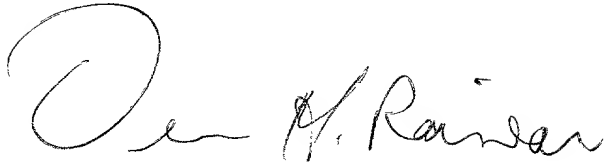
New independent claim 25 is directed to a device useful for incorporation into fishing buoy lines or fishing gear and is supported in the teaching of U.S. Patent No. 5,913,670 at column 5, lines 35-47. It is therefore not new matter and could have been claimed in U.S. Patent 5,913,670.

CONCLUSION

Applicants respectfully submit that original claim 1 should be reissued and is condition for reissue. New claims 2-25 provided herein with the underlining on a separate page, are supported in the original specification of the application for U.S. Patent number 5,913,670 and through error without deceptive intent, were not correctly claimed in U.S. Patent number 5,913,670. Therefore, it is respectfully submitted that claim 1-25 are in condition for immediate allowance.

A certified check (Bank of New Hampshire #802060263) for the reissue application fee (small entity) and for the additional claims herein is filed herewith in the amount of \$800.00. Also filed herewith is the Reissue Application Fee Transmittal Form (PTO/SB/56), an Information Disclosure Statement (PTO/SB/08A), a paper with the added claims 2-25 presented in underlined form, a Reissue Patent Application Transmittal form (PTO/SB/50), a Reissue Application: Consent of Assignee; Statement of Non-Assignment form (PTO/SB/53), and a Reissue Application Declaration By The Inventor form (PTO/SB/51), in addition to a copy of U.S. Patent number 5,913,670, copies of the Figures, a postage-paid return postcard and Applicant's Cover Letter and Declaration.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Dennis H. Rainear". The signature is fluid and written in dark ink.

Dennis H. Rainear

Date: June 21, 2001

Reg. No 32,486

Attorney of record

Kilyk & Bowersox, P.L.L.C.

3603-E Chain Bridge Road

Fairfax, VA 22030